

## II. COMMENTS

### 1. Amendments

a. No amendments have been requested as the drawings, specification to the Claims pursuant to the parameters of 35 U.S.C. 112

b. Amendments to the Claims (regarding rejection under 35 U.S.C. Sections 102 and 103.)

Claims 1, 2, 3, 4 and 5 have been amended (revised) in light of the rejection under 35 U.S.C. 102 vis-a-vis DUNSWORTH (U.S. Patent No. 4,522,861) SIEG (U.S. Patent No. 3,641,602) MASHA (U.S. Patent 637,855,082) and SAUR (U.S. Patent No. 6,110,073), and FURT MAYER (U.S. Patent No. 5,144,847) and HAGY (U.S. Patent No. 3,894,437). Such amendments to Claims 1, 2, 3, 4 and 5 have been undertaken by Applicant for an improved and differentiated wording of the Claims in light of all these references and in view of the constrictions of 35 U.S.C. 102.

In particular, Dunsworth, as cited by the Examiner does in fact demonstrate a mat member structured and adapted for making maneuvers on the upper surface thereof (with a longitudinal marking member, however, Dunn does not disclose an electromechanical feature on the subject invention involving underlying spring members adapted to compress on foot implantation to close an underlying circuit to activate a signal when one walks on a centerline of a longitudinal member. No reference teaches the general or precise electro-mechanical structure set forth in amended claims, particularly claim 5.

Further, Dunsworth does not disclose the use of a differential thickness between side edges to compensate for declination on a berm off the side of a road so that there is no leaning bias to effect proper coordination observation.

Further, the HAGY patent does not disclose the use of a series of circuits under a longitudinal marking means to active a signal when one steps on a longitudinal marker means with the signal to include actions where one steps on a line that determines the proper course to walk for observation purposes. The electronic signaling means in HAGY is for an entirely different purpose and does not include a series of springs interconnected to separate circuits to ensure that at a point all or most portions of the medial line will be electronically receptive to an intrusion on the line, with signaling means. This is not the scope or intention of HAGY.

Further, as previously stated to the 35 U.S.C. 102 rejection, attention is drawn to the following language in the specification SAUR (Patent No: 6,110,073).

(a) Column (1)- Lines 25-65

Referring to FIGS. 2 and 4 through 8, and according to a preferred aspect of the first embodiment of the invention, the foot pads 18 are made from an electrically conductive neoprene. The upper side 58 of each foot pad 18 is preferably substantially co-planar with the top of the cover portion 16 (FIG. 1). Another preferred aspect of the invention is that each foot pad 18 preferably has a plurality of raised nubs 56 (a grouping of raised nubs 56 defining stepping locations) on its upper side 58 (FIGS. 4 and 6) and a relatively enlarged recess 60 on the underside 62 of the foot pad 18 beneath each raised nub 56 (FIGS. 5 and 6). In addition, referring to FIGS. 5 and 7, another preferred aspect of the invention is that the recesses 60 and periphery 64 of the underside of each foot pad are connected by preferably a network of pairs of air channels 66. The underside 62 of each foot pad 18 between the recesses 60 and air channels 66 is laminated to the non-conductive sheet 34 by the non-conductive adhesive 47. Referring to FIG. 8, the nubs 56 and recesses 60 of each foot pad 18 are situated over contacts 43 of a respective switch element 42. The adhesive 47 electrically insulates the traces 40 from the conductive foot pads 18 except at the location of the pairs of contacts 43. Where there is no adhesive 47, the recesses 60 prevent the conductive foot pads 18 from bridging the pairs of contacts 43. However, as shown in FIG. 9, when foot pressure (user weight) is placed on a nub 56 of one of the foot pads 18, the foot pad is resiliently deformed to cause the underside 62 of the foot pad 18 at the nub 56 to be forced through the respective recess 60. The underside 62 of the foot pad 18 at the recess 60 is thereby caused to make physical and

electrical contact with respective pairs of contacts 43 of the switch element 42 and cause a signal to be sent to the microprocessor 24. In addition, as the nub 56 is depressed, air within the recess 60 is forced out of the recess and through the air channels 66 and out the periphery 64 of the foot pad 18. As pressure is released from the resilient foot pad 18, air re-enters the recess 60 through the channels 66 to permit the foot pad 18 to quickly recover the shape it had prior to pressure being placed upon it.

Referring back to FIGS. 1 and 2, the microcomputer 24 includes exercise and fitness drill software program (fitness programs), examples of which are described below, for aerobic exercise and drills for developing and measuring raw motor speed, agility, and reaction time which can be performed on the fitness device of the invention. In addition, the weight of a user can be input into the microcomputer 24 through the control panel 26 (or a scale may be built into the device 10), and the microcomputer can provide fitness feedback (calories burned, distance run, speed, elapsed time, etc.) for a current training session and over an extended time.

As previously stated, SAUR teaches and discloses an exercise device wherein the purpose and structure of SAUR is for the individual to remain in a semi-stationary position for simulating walking or jogging by moving the feet up and down on separate depressible members (for exercise purposes mainly), whereas in the subject device, the purpose and structural conception is substantially different. In the subject application, the user is intended to walk back and forth over the upper surface of the device (mat) to display coordination – not for exercise purposes per se or to adjust the foot to pressure nodes as in SAUR. The guide is to allow an observer to detect when the user traverses over the line. Audible means or other means are provided in one embodiment (in this application) allowing the observer to know if the individual on the mat is walking straight in relations to the medial line. These aspects are not basically shown in SAUR or SIEG patent. (In this latter respect, the signaling aspect is significant because most drunk driving arrests are made at night, and because of visibility problems. The signaling process compensates for the lack of good visibility if one steps on the medial line during dark periods.

Furthermore as indicated before, the IWASA Patent discloses an exercise device or walking assistance device, which appears not to be related to the functions or structure of the subject device. IWASA discloses the following:

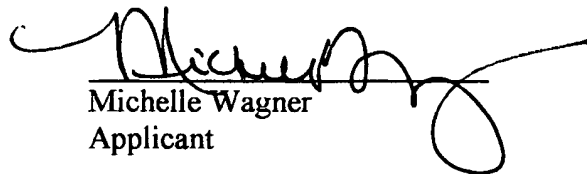
“A walking assistance device for assisting ambulatory movement of a user afflicted with Parkinson’s disease is disclosed. The device includes a body member, a shaft member fixedly disposed in a lower end portion of the body member so as to extend generally in a first horizontal direction, a longitudinal projection member disposed rotatably about the shaft member so as to extend in a direction perpendicular to the shaft member, and a mass member integrally formed with and disposed so as to oppose to the longitudinal projection member in a diametric direction to the shaft member. The longitudinal projection member is held in its protruding position where the longitudinal projection member protrudes outwardly from the body member and extend in the second horizontal direction, owing to ground pressure applied to the mass member and is held in its retracting position where the longitudinal projection member extends in the vertical direction on the side of the body member, owing to gravity acting on the mass member. The longitudinal projection member held in this protruding position serves as a walking obstacle to the user, so that the user is induced to step over the walking obstacle.”

The only aspects of the references cited incorporates speeds or includes pneumatic devices in the pads to detect movement. Neither SAUR nor SIEG, as well as the additional references reflected the features of amended claims of the subject application. As seen, the amended claims herein (amended claims 1, 2, 3, 4, 5) reflect that the Applicant’s mat that has a variable thickness from one side to another and has a raised medial line with luminous properties on a portion thereof with the specific pressure devices used only to detect contact for the feet on the medial line with signaling means

activated if one steps on this medial line. No reference cited herein demonstrates or teaches these aspects along or in combination.

### III. CONCLUSION

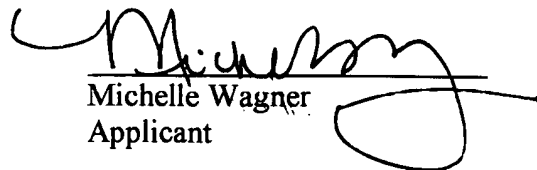
In conclusion, Applicant maintains that the subject application is ready for allowance. Applicant will cancel claims 1, 2, 3 and 4, if claim 5 alone is allowed.



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### CERTIFICATE OF MAILING

Certification is made that the foregoing amended response and amendment pleading was mailed to the commissioner of Patents and Trademarks, P.O. Box 1450, Alexandria, Virginia 22313-1450 by depositing same in the U.S. Postal Service by way of U.S. Postal Service Express Mail Number EQ - 011363108 US on 19th September, 2006.



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